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## COMMUNITY CARE LICENSING DIVISION



**UPDATE**  
**April 2009**



*To the Child Care Community*

Happy springtime! We are into the seventeenth year of our efforts to keep the child care community informed about licensing programs and services. The Updates continue to be an important method for sharing information. We appreciate your support in sharing these Updates with those in your organization and others interested in child care issues.

You may find the topic of your choice in each Update without having to scroll down. Just put your cursor over the blue highlighted subject heading that you wish to review, hold down the control and shift buttons at the same time, and you will be taken to that area of the Update.

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### **LICENSED CHILD CARE STATISTICS**

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## **LICENSING MANAGEMENT INFORMATION**

### **CHILD CARE ADVOCATE CHANGE**

**Elizabeth “Betsy” Rutana**, longtime Child Care Advocate/Ombudsman for Community Care Licensing Division (CCLD) since 1998, has accepted a new position in CCLD. Betsy is now working with the Senior Care Program as a Licensing Program Manager.

Prior to coming to work for the California Department of Social Services (CDSS) in 1992, Betsy was a Legal Analyst with the State Department of Justice, Attorney General's Office, in the Criminal and Civil Divisions, ending with work in the Health and Welfare Division. Betsy worked with one of the Deputy Attorney Generals involved in the infamous McMartin preschool case. After that, she transferred to the Child Care Licensing Program and accepted a position as a Licensing Program Analyst in the Bay Area Regional Office, Child Care Licensing Program, where she remained for 6 years until she accepted the position of Child Care Advocate.

Betsy will be sorely missed, not only by the Child Care Program, but also by the child care community at large. We wish Betsy all the best with her new endeavor. The Senior Care Program is very fortunate to have someone with her knowledge and expertise, and warm and friendly personality.

## **LICENSING REQUIREMENTS**

### **UNUSUAL INCIDENT/INJURY REPORTING**



It is the responsibility of the licensee to report to their local regional office when a child in care has suffered any injury or has been subjected to any act of violence while under the licensee's care. For Family Child Care Homes (FCCHs) licensed in Sacramento, Mendocino, Inyo, and Del Norte Counties, such reports must be made to the county licensing office. Reports required to be made include, but are not limited to:

- **Death of any child in care from any cause.**
- **Any incident or injury to a child in care that requires professional medical treatment.** This includes incidents that occur in the facility that at any time results in the child needing professional medical treatment.
- **Any suspected physical, sexual, or emotional abuse of any child.** As a mandated reporter, you are required to also report this information to local Law Enforcement or the local Child Protective Services agency.
- **Any act of violence occurring while children are in care.** For example, any physical altercation between adults or teenagers must be reported. Altercations between children resulting in an injury must be reported.

- **Any time any child in care is missing for any reason without the knowledge, permission, or supervision of the licensee.** For example: any child in care who wanders away from the facility, is lost during an outing, or does not return from school, must be reported.
- **Any unusual incident or injury that threatens the physical or emotional health or safety of any child in care.** For example: explosions, fires, epidemics, poisonings, or other catastrophes such as flooding, tornadoes, hurricanes, or car accidents that occur while children are in care, must be reported.
- **Explosions and fires** must also be reported to the local fire authority.
- **Outbreaks** involving two (2) or more children of any communicable disease must also be reported to the local health officer.

**NOTE:** Regardless of the injuries or acts that affect the child, the licensee must report the act to the parent or authorized representative, as soon as possible.



Unusual incident or injury reporting may be made by telephone, fax or electronic mail within CCLD's next working day, and during normal business hours (8:00 a.m. to 5:00 p.m.). The licensee must follow-up within seven (7) days with a written report documented on a CCLD issued form (LIC 624B – For Family Child Care Homes or LIC 624 – For Child Care Centers). If a CCLD issued form is not available, a written report is acceptable and must include the following:

- Child's name, age, sex and date of admission
- Child's primary language (English, Spanish, Chinese, etc.)
- Name and telephone number of the child's parent(s)
- Date the parent(s) or authorized representatives were notified
- Date and nature of event
- Description of the incident or injury, how it happened and name of child(ren) or adults that may have been involved. Include any steps taken to prevent the same type of injury from happening in the future.
- Attending physician's name, findings, and treatment, if any
- Name of the doctor who examined the child(ren), what the doctor said the injury was, and medical treatment, if any
- Facility name and license number
- Name and telephone number of person submitting the report
- Agencies notified, person(s) contacted, date(s) of the contacts, and the telephone or fax number(s) of the person(s) notified



Unusual incident and injury reports are evaluated by licensing program analysts to determine if follow-up is needed. The licensing program analyst may investigate the incident or injury to ensure the physical or emotional health and safety of children in care. If a violation is found, the facility will be cited and a plan of correction developed.

**NOTE:** Failure to report an incident or injury that occurred at a facility will result in a citation for not reporting the incident.

## **LANDLORD TENANT LAWS**

There have been some questions regarding what rights landlords have when a tenant is providing child care in their rented/leased home or apartment.

California law requires that family child care be provided in the caregiver's own home. There is no requirement that the provider own their home. If a provider rents or leases a home or apartment and the rental agreement or lease says that the apartment or home is to be used only as a residence, family child care is still allowed. *Family child care is not considered a "business" use of the property* and is not required to obtain consent or permission to provide care for 6 children (Small FCCH) or 12 children (Large FCCH). However, they must still give their landlord/property owner 30 days written notice of their intent to begin operating a licensed FCCH on the premises.

At the time of license application, applicants are provided a notice form ([LIC 9151](#)) to provide the landlord notification. This form also notifies landlords that they cannot discriminate against a FCCH provider, or place any restrictions on them as FCCH providers.

Although it is not necessary for a tenant to obtain landlord consent or permission to provide family child care for 6 or 12 children, *licensees who wish to take two additional school-age children* must have the consent of the landlord. *In such cases*, the landlord has the right to refuse permission to care for the two additional children.

For more detailed information regarding Landlord Tenant Issues, please visit the [Child Care Advocate Website](#) and review the [Information Bulletin on Landlord and Tenant Issues](#) and the [Self-Assessment guide for Tenant Rights](#) available in both ([English](#)) and ([Spanish](#)).



## **CRIMINAL RECORD TRANSFERS**

On an annual basis, all licensees are mailed the Notice of Facility Roster (LIS 555). The LIS 555 lists all employees that CCLD has on file based on what has been reported by the licensee during the previous 12-month period. It is the responsibility of the licensee to keep the CCLD Regional Office (RO) informed of changes to the roster. This is important because the RO depends on that roster in order to verify that all employees have criminal record clearances.

Prior to working, residing or volunteering in a licensed facility, all required individuals must obtain:

- A California clearance, or
- A criminal record exemption, or
- Request a transfer of a criminal record clearance, or
- Request and be approved for a transfer of a criminal record exemption unless, upon request for a transfer, CCLD permits the individual to be employed, reside or be present at the facility.

Failure to obtain such clearances and transfers will result in a citation of a deficiency and an immediate assessment of civil penalties of one hundred dollars (\$100) per violation per day for a maximum of five (5) days.

Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days and CCLD may assess civil penalties for continued violations.

In order to avoid citations and civil penalties, it is the licensee's responsibility to ensure that employees have criminal record clearances and that the RO is notified of changes to the roster, criminal record clearances, criminal record transfers, and verification of active and inactive associations to a facility. It is important that licensees adequately document all communications with the RO. This is the only way licensees can verify that proper notifications have been made.

Licensees may avoid citations and civil penalties by adhering to the following recommended procedures:

- Review and update the LIS 555, Notice of Facility Roster, which is mailed annually to licensed facilities.
  - ✓ Indicate on the roster those individuals who no longer work, reside or volunteer at the facility.
  - ✓ Add newly hired individuals and provide proof of Live Scan clearance.
  - ✓ Indicate on the roster anyone who needs to be re-associated (when someone returns to work, resides or volunteers at the facility).
    - Contact your local RO to verify that an individual's fingerprints are active and cleared by obtaining the Licensing Information System personnel I.D. number. *Be sure to repeat the number back to ensure that it is correct.*
- Send or fax a copy of the revised roster to the RO and be sure to keep a copy for your files for documentation.
  - ✓ Any time you make a request by fax, be sure to print out the sent fax receipt, attach it to the faxed document, and place it in the employee's file for documentation.

- If you would like to confirm that the changes were made as reported by you on the LIS 555, you may request that the RO send a printout of adults associated to your facility.
  - ✓ Include a self-addressed, stamped envelope, or use the fax method and keep a copy for your files for documentation.
- An individual's current criminal record clearance may be transferred between state and county licensing agencies or between county licensing agencies provided:
  - ✓ The transfer is to the same facility type
  - ✓ The individual and the licensing agency that processed the clearance submit a Substitute Agency Notification Request (BCII 9002) to the receiving licensing agency
  - ✓ The receiving licensing agency submits the Substitute Agency Notification Request (BCII 9002) to the Department of Justice
  - ✓ The Department of Justice approves the request and returns a completed BCII 9002 to the receiving agency
- The following documents must be submitted when transferring a clearance or a criminal record exemption between state licensed facilities or between TrustLine and state licensed facilities:
  - ✓ [LIC 9182, Criminal Background Clearance Transfer Request](#), when you are hiring an individual who was already employed and cleared by a different facility and you would like the person's criminal record clearance transferred to your facility.
  - ✓ [LIC 9188, Criminal Record Exemption Transfer Request](#), when a person with a criminal record exemption is transferring to your facility. This request is reviewed and processed by the Caregiver Background Check Bureau, but must be sent through the RO first.
  - ✓ [LIC 508, Criminal Record Statement](#)
  - ✓ [TLR 3, TrustLine to Community Care Licensing Criminal Background Clearance Transfer Request](#)
  - ✓ A copy of the individual's driver's license, *or*
  - ✓ Valid photo identification card issued by the California Department of Motor Vehicles, *or* another state, *or* the United States Government if the person is not a California resident.
    - Photos and I.D.s need to be clear and readable so that the individual being associated can be clearly identified.
  - ✓ Job description

**Note:** A clearance remains active as long as the individual is associated to a licensed facility. An individual's status automatically becomes inactive after two years of not being associated to a facility, and the individual will have to be reprinted and cleared prior to returning to the facility.

## **GENERAL HEALTH AND SAFETY INFORMATION**

### **POISON-PROOF YOUR HOME AND CHILD CARE FACILITY!**

Safe Kids California and The California Poison Control System urge you to help prevent poisonings by following the [“Top 10 Ways to Poison-proof Your House”](#) and handing out the free materials that are available in multiple languages. Ordering instructions are on the second page of the document in this link.

### **FIRE EXTINGUISHER RECALL**

There is an issue with specific fire extinguishers losing pressure, which poses a potential risk of failing to operate when needed. In the event of a fire, this would put children at risk. The fire extinguishers being recalled are Kidde XL Fire Extinguishers with manufacture dates between October 2007 and April 2008, and with model numbers:

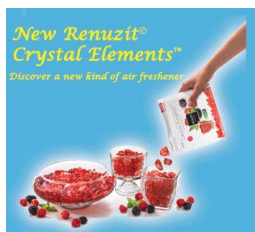
- ✓ FX340SC
- ✓ FX340H
- ✓ FX340GW
- ✓ XL5MR
- ✓ FX210R
- ✓ FX340SC-2
- ✓ FX210W
- ✓ XL2.5TCZ-4
- ✓ E-340-3

“Kidde” and the model number can be found on the label on the front of the extinguisher. The manufacture year is on the bottom of the extinguisher. If your extinguisher is one of the listed model numbers and is marked with the year 07 or 08, contact Kidde to determine if you have a recalled extinguisher.

Consumers should immediately inspect the pressure gauge. If it points to the red zone, contact Kidde to receive a free replacement extinguisher. If the gauge is not in the red zone, but you have questions about an extinguisher within the listed model numbers, please contact Kidde for additional information at: (888) 345-4407, between 8:00 a.m. and 5:00 p.m. ET, Monday through Friday, or visit the firm's website at [www.Kidde.com](http://www.Kidde.com). To see this recall on the U.S. Consumer Product Safety Commission's website, including pictures of the recalled product, please go to: <http://www.cpsc.gov/cpscpub/prerel/prhtml/09/09151.html>



## RENUZIT CRYSTAL ELEMENTS AIR FRESHENER WARNING



It has come to our attention, through the California Association of Family Child Care Home Education Networks, that there is a serious hazard associated with an air freshener called Renuzit Crystal Elements. Because the crystals so closely resemble small, multi-colored pieces of candy, they pose a severe risk of being mistakenly ingested by young children. In addition to the health risks associated with digesting the chemical components of the crystal, this product also is a choking hazard for young children. The Association is urging the Dial Corporation and its parent company, Henkel Corporation, to recall this product from store shelves immediately.

The Child Care Program Office will keep the child care community advised regarding the status of this product by posting information on the Child Care Licensing website.



**EXTRA! EXTRA! READ ALL ABOUT IT!**



## FURLOUGH FRIDAYS

As you have probably read in the newspapers, March 6, 2009 was the last scheduled furlough Friday where all state offices were closed. Employees are now on a self-directed furlough program where employees choose which day to take off each month, subject to supervisor approval. The Child Care Regional Offices will be open 8:00 a.m. to 5:00 p.m., Monday through Friday, except when state holidays are observed.

## NATIONAL EARTHQUAKE PREPAREDNESS MONTH



April is National Earthquake Preparedness Month so it is a great time to remind child care providers to be prepared for earthquakes. California is known for its earthquakes. But no matter where you live, you need to be prepared. Earthquakes can happen anywhere, anytime and without warning.

If a major earthquake struck in your area today, you might be without direct assistance for up to 72 hours. Are you prepared to be self-sufficient? [Click here](#) for a detailed School Planner. [Click here](#) for some important tips and warnings should an earthquake occur in your area.

Please also be sure to refer to the Disaster Guide for Homes and Centers that was developed by the CDSS Child Care Advocate Program for child care providers. It is available in multiple languages on our Child Care Licensing website at: [Click here](#)

## 2-1-1 CALL CENTERS

The recent downturn in the economy has driven more people than usual to seek help with basic needs such as finding food, clothing, shelter, job training and mental health services. Many people don't know where to begin to ask for help. There is an international system of call centers available to aid those who need critical health and human services, as well as community resource and government assistance. It's called 2-1-1.

- 2-1-1 is an easy to remember telephone number that connects callers to information about critical health and human services available in their community.
- People find it frustrating and confusing to access community services and 2-1-1 provides a one-stop service for vital information.
- While services that are offered through 2-1-1 vary from community to community, 2-1-1 provides callers with information about and referrals to human services for every day needs and in times of crisis. For example, 2-1-1 can offer access to the following types of services:
  - ✓ **Basic Human Needs Resource:** food banks, clothing, shelters, rent assistance, utility assistance.
  - ✓ **Physical and Mental Health Resources:** medical information lines, crisis intervention services, support groups, counseling, drug and alcohol intervention, rehabilitation, health insurance programs, Medicaid and Medicare, maternal health, children's health insurance programs.
  - ✓ **Employment Support:** unemployment benefits, financial assistance, job training, transportation assistance, education programs.
  - ✓ **Support for Older Americans and Persons with Disabilities:** home health care, adult day care, congregate meals, Meals on Wheels, respite care, transportation, and homemaker services.
  - ✓ **Support for Children, Youth and Families:** \*Child care, family resource centers, summer camps and recreation programs, mentoring, tutoring, protective services.
  - ✓ **Volunteer opportunities and donations.**

- For more information regarding 2-1-1, go to [www.211.org](http://www.211.org) or [www.liveunited.org](http://www.liveunited.org).

*\*Please note that in regard to seeking licensed child care, the 2-1-1 service is not yet available in all communities and may not have up-to-date information as to the status of a child care facility license. To ensure quality child care referral services, we recommend that you contact your local [Child Care Resource and Referral Agency](#).*

## **LICENSED CHILD CARE STATISTICS**

Enclosed are the most recent [statistics on licensed child care facilities and capacities](#). Further breakouts by category and location are available.

## **SUMMARY**

If you have questions about items included in this Update, or suggestions for future topics, please contact Gloria Merk, Statewide Child Care Program Administrator, at (916) 229-4500. You may also visit our internet website at [www.ccld.ca.gov](http://www.ccld.ca.gov) to obtain copies of licensing Updates, office locations, provider letters, regulations, forms, the Licensing Evaluator Manual, or to learn more about licensing programs and services.

Sincerely,

*Original signed by Jo Frederick*

JO FREDERICK  
Deputy Director  
Community Care Licensing Division

Enclosures